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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,918	02/03/2006	Neil Walter Lindh Adcock	006422.00036	9961
28827 7590 03/18/2008				
GABLE & GOTWALS				
100 WEST FIFTH STREET, 10TH FLOOR				
TULSA, OK 74103				
EXAMINER				
TOLAN, EDWARD THOMAS				
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
03/18/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/566,918

**Applicant(s)**

LINDH ADCOCK, NEIL WALTER

**Examiner**

EDWARD TOLAN

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8-2-2007, 12-13-2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-856)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant is improperly claiming the use of an apparatus comprising a first and second metal object.

## II. PRODUCT AND PROCESS IN THE SAME CLAIM

A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. \* > IPXL Holdings v. Amazon.com, Inc., 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005); < Ex parte Lyell, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990) \* > (< claim directed to an automatic transmission workstand and the method \* of using it \* held \*\* ambiguous and properly rejected under 35 U.S.C. 112, second paragraph > ) < .

Such claims \* > may < also be rejected under 35 U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. Id. at 1551.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamanaka (5,624,219). Hamanaka discloses a first (20) and second (40) object having respective female and male threads wherein the objects are rotated relative to one another to occasion translational movement thereof.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,7,11,13,14,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budd (3,258,797) in view of Neuhengen (6,702,537). Budd discloses a fluteless tap (10) having triangular thread forms (15,16). Budd discloses (column 2, lines 20-27) that an "Acme Form Thread" is formed on the tap. Acme threads have a thread angle of 29 degrees. Budd discloses radiussed crests of 0.005 inches (column 2, lines 49-50) and radiussed portion (20). Budd does not disclose a chamfered front end of the tap and a thread angle of 30 degrees. Neuhengen teaches a thread forming

screw (10) with a chamfered end (16) and a thread angle of 30 degrees (column 3, lines 20-22). It would have been obvious to one skilled in the art at the time of invention to provide Budd with a chamfered end as taught by Neuhengen to facilitate a starting of thread as opposed to the double thread (13) of Budd. The skilled artisan would have been motivated to use a chamfered end and known available thread angles such as 30 degrees as taught by Neuhengen as a thread starting and forming technique in the invention of Budd.

Claims 5,6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budd in view of Neuhengen and further in view of Sawabe et al. (EP 1134051). Budd in view of Neuhengen does not disclose a chamfer of 4 turns. Sawabe teaches (fig. 2) a chamfer of at least 4 turns and an inclination angle thereof. It would have been obvious to one skilled in the art at the time of invention to provide the tap of Budd in view of Neuhengen with a chamfer as taught by Sawabe in order to aid in starting a threading operation.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budd in view of Neuhengen further in view of Onasch et al. (4,527,932). Budd in view of Neuhengen does not disclose radiussed roots and crests on the same thread length. Onasch teaches rounded roots (6) and crests (4) and radii of curvature (9,10,12,13). Onasch teaches a thread angle of between 30 and 50 degrees (column 3, lines 12-15). It would have been obvious to one skilled in the art at the time of invention to provide Budd in view of Neuhengen with radiussed roots and crests as taught by Onasch depending upon material considerations such as ductility or brittleness.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budd in view of Neuhengen further in view of Thurston (4,527,932). Budd in view of Neuhengen does not disclose a lubrication groove. Thurston teaches a groove (13) machined into a thread swaging screw. It would have been obvious to one skilled in the art at the time of invention to provide the tap of Budd in view of Neuhengen with a groove as taught by Thurston in order to aid frictional conditions during tapping.

***Response to Arguments***

Applicant's arguments concerning a fluted vs. fluteless tap are accepted. The rejection of the Previous Office Action has been vacated. Budd and Heuhengen disclose fluteless taps and thread forming means having thread angles in the range of 29-30 with triangular threads.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-273-8300.

/Edward Tolan/

Primary Examiner, Art Unit 3725

